



Maritime & Coastguard Agency

Consultation on the implementation of Directive 2015/2087 by means of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2016

On 23 June, the EU referendum took place and the people of the United Kingdom voted to leave the European Union. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will continue to negotiate, implement and apply EU legislation. The outcome of these negotiations will determine what arrangements apply in relation to EU legislation in the future once the UK has left the EU.

Purpose of this consultation

This Consultation relates to the implementation of Directive 2015/2087 by means of the Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2016 (Appendix 1).

The amending Regulations bring into effect a minor change replacing the current waste notification form (set out in schedule 2 of the 2003 Regulations), with that required by Commission Directive (EU) 2015/87 amending Annex II to Directive 2000/59/EC of the European Parliament and the Council on port reception facilities for ship-generated waste and cargo residues.

The current waste notification form is no longer in line with international regulations as set out in the MARPOL Convention, in particular MARPOL Annex V - Garbage. The new form to be used by ships' masters when delivering waste to port reception facilities contains additional sub-categories of garbage and a column in which to record information about waste delivered in the last port of delivery.

Specifically the changes will:

Align the waste notification form with the revised MARPOL Annex V.

Improve the Port Reception Facilities regime by expanding the data captured to include quantities and types of waste that has actually been delivered at the previous port.

Background

The International Convention for the Prevention of Pollution from ships (commonly referred to as MARPOL) requires member States to ensure the provision of adequate facilities at ports and terminals for the reception of ships waste.

The Commission published Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship generated waste and cargo residues and amending Directive 2002/84/EC (amendment assisted by the Committee on Safe Seas (COSS) which the UK implemented by means of the Merchant Shipping and Fishing Vessels (Port Waste

Reception Facilities) Regulations 2003 (SI 2003/No: 1809). A further Directive 2007/71/EC, regarding the delivery of sewage to reception facilities and which has technical relevance, was implemented by Merchant Shipping and Fishing Vessels (Port Waste Reception Facilities) (Amendment) Regulations 2009 (SI 2009 No:1176. Regulation (EC) No.1137/2008,

The Directives introduced prescriptive legal requirements for both ports and ships. The objective being by improving the availability, use and harmonisation of PRF's with a structured enforcement regime, would further reduce the illegal discharge of ship's waste hence marine debris from shipping would be further reduced.

All ports are required to have a waste reception and handling plan which has been developed in consultation with the port users. This plan is then approved by the Maritime and Coastguard Agency. The objective is all ports will then have appropriate and adequate facilities for all ships normally visiting the port resulting in ships being able to deliver their waste ashore, so eliminating the need for ships to illegally discharge their waste into the sea.

Impact of the Directive on the UK

A draft Regulatory Triage Assessment (RTA) (Appendix 2) has been prepared including estimated costs to the maritime sector associated with implementing the new requirements of the Directive.

The RTA considers this Directive introduces only minor costs relating to the obligation of the master of each vessel to complete the waste notification form.

The changes which are implemented through the amending Directive are considered to be ongoing costs to industry. The Maritime & Coastguard Agency will be uploading a web-based waste notification form for use by master and agents in line with the CERS requirements. There are potential minimal costs associated with revising the waste notification systems used in Ports and Terminals; this is being part of an overall update of existing systems under the Consolidated European Reporting System (CERS).

A stakeholder engagement exercise highlighted that the majority of the UK maritime industry were already familiar with the revised MARPOL Annex V –Garbage categories used in the new waste notification form. The amendments to the waste notification form are minor changes with minimal impact on the system already in use. Therefore the familiarisation costs are viewed as negligible.

Why are new regulations needed?

The existing UK PRF waste notification form does not reflect the most up-to-date EU requirements and therefore requires revising. Aligning UK national legislation with the international and EU requirements will allow the UK as both Port and Flag state to enforce the requirements. Regulations should enter into UK law by 9 December 2016.

Consultation Questions

As part of this consultation we are seeking answers to the following questions:

Do you agree or disagree with the analysis in the Regulatory Triage Assessment at Appendix 2?

Agree/Disagree
Please state why?

Guidance on the requirements under this Directive are contained in a draft Marine Guidance Note, as amended (Appendix 3). Are these requirements clear and is there any additional information that you would like to see included in the guidance?

Yes/No

If yes what would this be?

The 2004 Guide to Good Practice (GGP) publication is now outdated and has been removed. All relevant information has been retained and updated as an Annex to the MGN, Annex E. Some information has been moved to the body of the MGN, corresponding paragraphs are highlighted in the summary box. Do you find this more user friendly?

Yes/No

Any further comments?

Timing

Please send your responses, marked for the attention of Lorraine Weller to:
environment@mcga.gov.uk or;

Environmental Policy Branch
Bay 2/29, Spring Place
105 Commercial Road
Southampton
SO15 1EG

By 01 December 2016.

About this consultation

This consultation document is issued by the Maritime and Coastguard Agency (MCA) in compliance with its duty to consult under section 86 of the Merchant Shipping Act 1995.

The MCA tries to make its consultation procedures as thorough and open as possible. Responses to this consultation document will be published on www.gov.uk after the close of the consultation period where they can be inspected by members of the public.

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004 (EIR)).

If you want us to treat any of the information you provide, including personal information, as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply, and which deals, among other things, with obligations of confidence. It would be helpful if you could explain to us in your response why you regard the information as confidential. If we receive a request for disclosure of the information you have provided, we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself be regarded as binding on the Department.

The MCA will process all personal data in accordance with the DPA and in the majority of circumstances, this will mean that personal data will not normally be disclosed to third parties.

Code of Practice on Consultation

This consultation is conducted in accordance with the Cabinet Officer Consultation Principles Guidance.

Feedback

If you have any feedback about the way the consultation has been conducted, please address them to:

The Consultation Co-ordinator
Office of the Chief Executive
MCA
Bay 3/29, Spring Place
105 Commercial Rd
Southampton
SO15 1EG

Consultation.coordinator@mcga.gov.uk

We are continually trying to improve the way in which we conduct consultations and appreciate your views, so we would also be grateful if you would complete and return the attached feedback form. These should be returned to the consultation co-ordinator and are not affected by the deadline for this consultation